

REMARKS

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. Claims 1-27 are pending in this application. By this Amendment, no claims are amended, cancelled, or added. Claims 1, 8, 14, 18 and 22 are the independent claims.

Applicant thanks the Examiner's Supervisor, Charles Appiah, for assisting with the present application. As suggested by Mr. Appiah, Applicant files this response indicating that the newly cited reference, D'Evelyn, is improper for the reasons discussed below. Furthermore, Applicant notes that any subsequent Office Action other than a notice of allowance or Quayle Action should be non-final.

Discussion with Examiner on November 11, 2008

Although Applicants have incorporated by reference the arguments contained in Applicants May 2, 2007 Appeal Brief (re-submitted on July 26, 2007), Applicants have included arguments against the D'Evelyn reference in this response. Upon receiving this request, Applicants respectfully request the Examiner to call Applicants' representatives to further discuss this application and the cited references.

Rejections under 35 U.S.C. § 102

Claims 1-27

Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by D'Evelyn et al. (U.S. 7,251,312) (hereinafter "D'Evelyn"). Applicant respectfully traverses this rejection for the reasons detailed below.

The Publication of D'Evelyn (U.S. Publication No. 2005/0053209, hereinafter "D'Evelyn Publication") was cited in a Final Office Action dated June 1, 2006 in the present application. In

the June 1, 2006 Final Office Action, the Examiner cites the D'Evelyn publication reference as a basis for rejecting claims 1-27 under 35 U.S.C. § 102(e). On May 2, 2007, Applicant filed an Appeal distinguishing the D'Evelyn Publication reference from the independent claims. In response to Applicant's appeal, the Examiner withdrew the D'Evelyn Publication reference and re-opened prosecution citing a new reference (Maupin) in a Final Office Action dated November 28, 2007. Maupin was the only cited reference in the November 28, 2007 Final Office Action. Applicant notes that Maupin was also previously cited in the first Office Action dated November 11, 2005. In response to the November 28, 2007, Applicant filed an RCE and Amendment on February 28, 2008 further amending the claims and providing arguments distinguishing over Maupin.

In the current Office Action, the Examiner cites D'Evelyn, *again*, as a basis for rejecting claims 1-27 under 35 U.S.C. § 102(e). Because the D'Evelyn reference is the same disclosure as the D'Evelyn publication reference, Applicant incorporates the same arguments contained in our May 2, 2007 Appeal Brief.

For instance, Applicants submit that D'Evelyn does not disclose the features of independent claims 1, 8, 14, 18 and 22. Referring to FIG. 3 of D'Evelyn, when mobile phone 244 places a 9-1-1 call, MPC 250 and ESME 124 cooperate to route the 9-1-1 call to PSAP 126 and to provide position information relating to mobile phone 244 for use by PSAP 126 in selecting which first responders 128 to dispatch to aid the caller using mobile phone 244. An IID (incident identification) is assigned to a 9-1-1 call in system 120 at a juncture within system 120 at which a call may be recognized as a 9-1-1 call.

When the ESME 124 receives indication of the 9-1-1 call, the ESME 124 queries registered databases (i.e., databases 132, 130 or other databases not shown in FIG. 3) using the assigned IID and an appropriate data key for each respective database. With the help of the

PSAP 126, if the caller is a subscriber for emergency notification services, the data key and assigned IID of the caller is 'pushed' to emergency notification facility 136. Contacts associated with the 9-1-1 caller are then notified regarding the occurrence of the 9-1-1 call event.

A. D'Evelyn does not anticipate claim 1.

In the method of claim 1, at least one tag identifier is received from a public safety answering point call center in response to an emergency call from at least one wireless unit, and a wireless call back number corresponding to the at least one tag identifier is transmitted to the public safety answering point call center in response to receiving the at least one tag identifier. D'Evelyn fails to teach or fairly suggest these features.

According to D'Evelyn, the public safety answering point (PSAP) is "communicatingly coupled" to a selective router 122, ESME 124 and first responders 128. The PSAP 126 in D'Evelyn, however, merely selects and contacts first responders 128 to dispatch in response to position information provided by the ESME 124. No tag identifier is received from the PSAP 126 in response to the 9-1-1 call, and no wireless call back number corresponding to the at least one tag identifier is transmitted to the PSAP 126 in response to receiving the at least one tag identifier. Therefore, D'Evelyn cannot be said to anticipate claim 1. D'Evelyn fails to anticipate claims 2-7 at least by virtue of their dependency from claim 1.

B. D'Evelyn does not anticipate claim 8.

D'Evelyn also fails to anticipate claim 8. Claim 8 requires at least one tag identifier to be transmitted "to the emergency call register and public safety answering point call center," from the mobile switching center. In D'Evelyn, the PSAP 126 in D'Evelyn does not receive any tag identifier from the MSC 248. As discussed above, the IID is not assigned to a 9-1-1 call until the

call enters the system 120. Therefore, the IID cannot be said to be transmitted to an emergency call register and public safety answering point call center from the MSC 248. Accordingly, D'Evelyn cannot be said to anticipate claim 8 because D'Evelyn fails to teach or fairly suggest at least transmitting at least one tag identifier "to the emergency call register and public safety answering point call center," from the mobile switching center, as required by claim 8. Claims 9-13 are also patentable over D'Evelyn at least by virtue of their dependency from claim 8.

C. D'Evelyn does not anticipate claim 18.

D'Evelyn also fails to anticipate claim 18. Claim 18 requires at least one tag identifier be received and entered at the emergency service messaging entity, and an emergency call corresponding to the entered at least one tag identifier be requested. D'Evelyn fails to teach or fairly suggest such features. According to D'Evelyn, when a 9-1-1 call is made, the ESME 124 receives position information from the MPC 250, and sends the position information to the PSAP 126 for dispatching first responders 128. At this point, however, the emergency 9-1-1 call has already been made, and thus, no such request for an emergency call is needed nor performed. Therefore, D'Evelyn clearly fails to teach or fairly suggest at least, "requesting the emergency call corresponding with the entered at least one entered tag identifier," as required by claim 18.

D. D'Evelyn does not anticipate claim 22.

D'Evelyn also fails to anticipate claim 22. Claim 22 requires at least one tag identifier to be transmitted "from the mobile switching center associated with the at least one wireless unit to an emergency service message entity in response to the emergency call from the at least one wireless unit." D'Evelyn, however, fails to teach or fairly suggest such a feature. To the contrary, in D'Evelyn the identifiers identifying emergency calls and caller origins are stored at

the ESME 124. The ESME 124 is queried by the system 120 to obtain an identifier (IID), but such an identifier is not transmitted to the ESME 124. Therefore, D'Evelyn also fails to anticipate claim 22. Claims 23-27 are also patentable over D'Evelyn at least by virtue of their dependency from claim 22.

E. D'Evelyn does not anticipate claim 14

D'Evelyn also fails to anticipate claim 14. Claim 14 requires at least one tag identifier be transmitted "to an emergency service message entity," and an "emergency callback corresponding with the entered at least one received tag identifier," be requested. D'Evelyn, however, fails to teach or fairly suggest such features. To the contrary, in D'Evelyn the identifiers IIDs identifying emergency calls and caller origins are stored at the ESME 124. The ESME 124 is queried by the system 120 to obtain an identifier, but such an identifier is not transmitted to the ESME 124. Moreover, D'Evelyn fails to mention any "callback," procedures whatsoever, and thus, cannot be said to teach or fairly suggest "requesting the emergency callback," as required by claim 14. For at least these reasons, D'Evelyn also fails to anticipate claim 14. Claims 15-17 are also patentable over D'Evelyn at least by virtue of their dependency from claim 22.

Therefore, Applicant respectfully requests the rejection to claims 1-27 under 35 U.S.C. § 102(e) be withdrawn.

Claims 8-10

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Houde et al (U.S. 6,128,481) (hereinafter "Houde"). Applicant respectfully traverses this rejection for the reasons detailed below.

The Examiner asserts that Houde discloses “transmitting to the emergency call register and a public safety answering point call center at least one tag identifier from a mobile switching center associated with the at least one wireless unit in response to the emergency call from the at least one wireless unit” as recited in claim 8. Specifically, the Examiner asserts that message 45 of Houde reads on the “at least one tag identifier” of claim 8. Applicant disagrees. Rather, message 45 of Houde is a location request (LOCREQ) Invoke message or an origination request (ORREQ) Invoke message. Applicant submits that message 45 is not the “at least one tag identifier” within the meaning of claim 8. For instance, message 45 of Houde is not associated “with the at least one wireless unit”, but rather merely a location request message. Furthermore, message 45 is not transmitted to both the emergency call register and the public safety answering point call center, but rather only to the SCP 46.

Therefore, Houde cannot disclose “transmitting to the emergency call register and a public safety answering point call center at least one tag identifier from a mobile switching center associated with the at least one wireless unit in response to the emergency call from the at least one wireless unit” as required by claim 8. Accordingly, Houde cannot anticipate claim 8. Claims 9 and 10, dependent on claim 8, are patentable for at least the same reasons stated above. Therefore, Applicant respectfully requests the rejection to claims 8-10 under 35 U.S.C. 102(b) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

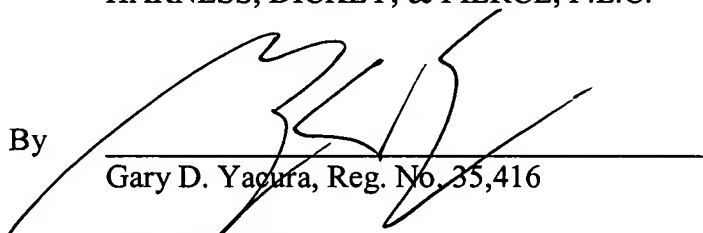
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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